Workplace Safety and Insurance Appeals Tribunal

505 University Avenue 7th Floor
Toronto ON M5G 2P2
Tel: (416) 314-8800
Fax: (416) 326-5164
TTY: (416) 212-7035
Toll-free within Ontario:
1-888-618-8846

Web Site: www.wsiat.on.ca

Tribunal d'appel de la sécurité professionnelle et de l'assurance contre les accidents du travail

505, avenue University, 7e étage
Toronto ON M5G 2P2
Tél. : (416) 314-8800
Téléc. : (416) 326-5164
ATS : (416) 212-7035
Numéro sans frais dans les limites de l'Ontario : 1-888-618-8846

Site Web : www.wsiat.on.ca

Ontario

Workplace Safety and Insurance Appeals Tribunal

Quarterly Production and Activity Report

January 1 to March 31, 2016

Caseload Reduction: Update and Progress 2
Case Management Summary 3
Production Tables and Charts 4

Caseload Reduction: Update and Progress

The Tribunal is working to reduce the caseload and improve the time to hearing and appeal resolution. This work is showing positive results: the active inventory declined during the first 3 months of 2016.

The trends are moving in the right direction:

- there are more adjudicators on the roster;
- more cases were resolved in 2015 than in 2014;
- the number of incoming appeals has decreased from peak years; and
- the active inventory declined in the first months of 2016.

What to expect in 2016

- new vice-chairs joining the OIC team;
- an increase in the number of hearings and decisions; and
- a continued focus on reasoned decisions.

Timelines in 2016:

- as the active inventory declines, timelines will gradually improve.
- the quarterly activity report now includes the percent of cases closed in 12 and 18 months so the community can better observe progress.
- The time to first offered hearing date was 17.3 months in 2015 (from the time of appeal confirmation). In the first months of 2016, that time was 18.4 months.

Background

A large number of incoming appeals from the WSIB has caused a high active inventory at WSIAT. The high active inventory then results in waves of cases that move through the stages of the Tribunal's process; this may result in longer than usual processing times at points in the pre-hearing areas. The Tribunal's notice of appeal process is flexible, efficient and effective at coping with the high caseload.

If there are questions about timelines in a particular case, please contact the Tribunal's Call Centre at 416-314-8800.

Representatives are asked to avoid late or last minute adjournment requests and withdrawals. Providing sufficient notice of concerns with a hearing date enables the Tribunal to reallocate adjudicator resources to other appeals and effectively use adjudicator time.

As an adjudicative agency in Ontario, and the final level of appeal in the WSI system, the Tribunal focusses on quality adjudication and reasoned decisions, supported by strong process, developed and implemented consistent with the rules of natural justice. These pillars promote finality in the workplace safety and insurance system.

Thank you for your support and cooperation as the Tribunal works to increase the vice-chair complement and reduce the time to hearing.

Case Management Summary

At the end of the first quarter 2016, the active inventory totaled 9,299 appeals. This is a decrease from the active inventory at the end of 2015 of 9,434 appeals.

Incoming Appeals

Incoming appeals for Q1-2016 numbered 969; of these, 866 were appeals from WSIB decisions, and 103 appellants advised they were ready to proceed to hearing following a period of inactive status. In 2015, incoming appeals averaged 1,097 per quarter.

The weekly average of hearing-ready appellants in Q1-2016 is 79. This figure excludes cases reactivated from the inactive status. In 2015, the weekly average of hearing-ready appellants was 76, excluding reactivations.

Dispositions

Dispositions in the first quarter of 2016 totaled 1,218. This includes 399 dispositions in the pre-hearing areas resulting from dispute-resolution (ADR) efforts, and 819 after-hearing dispositions; of the after-hearing dispositions, 803 followed from Tribunal decisions.

Vice-Chair recruitment

In 2015, 11 new part time vice-chairs were appointed, with a further 4 part time vice-chairs and 2 part time members added to date in 2016. By the end of March 2016, the vice-chair complement reached 57 (an increase from 46 at December 31, 2014).

Inactive Inventory

At the end of March 2016, the inactive inventory was 1,755 cases. The inactive inventory at the end of the fourth quarter in 2015 was 1,748 cases.

Decisions Released within 120 Days

For the period ending Q1-2016, 91% of final decisions were released within 120 days. Comparisons to earlier years can be found in section F: Production Charts.

The Notice of Appeal Process

The Tribunal's Notice of Appeal (NOA) process places responsibility in the hands of the parties and representatives to advance a case, and requires appellants to confirm their readiness to proceed (by filing a Confirmation of Appeal) with their appeals within two years of completing the NOA.

The NOA inventory includes cases that would previously have been closed as inactive by Tribunal intervention. These "dormant" cases are tracked as part of the Tribunal's case management. Many are expected to close as abandoned appeals after a two-year period expires. At the end of the first quarter of 2016, the notice inventory included 1,159 dormant cases, the active inventory totaled 9,299 cases, and the inactive inventory totaled 1,755 cases.

Production Tables and Charts

A. Active Inventory End of Quarter

Period	Active Inventory
Q1-2015	9088
Q2-2015	9311
Q3-2015	9406
Q4-2015	9434
Q1-2016	9299

B. Incoming Appeals

Period	Incoming Appeals
Q1-2015	1158
Q2-2015	1149
Q3-2015	1026
Q4-2015	1055
Q1-2016	969

C. Dispositions

Period	Dispositions – Total	Pre-hearing	After Hearing
Q1-2015	1001	330	671
Q2-2015	1046	330	716
Q3-2015	1045	330	715
Q4-2015	1164	359	805
Q1-2016	1218	399	819

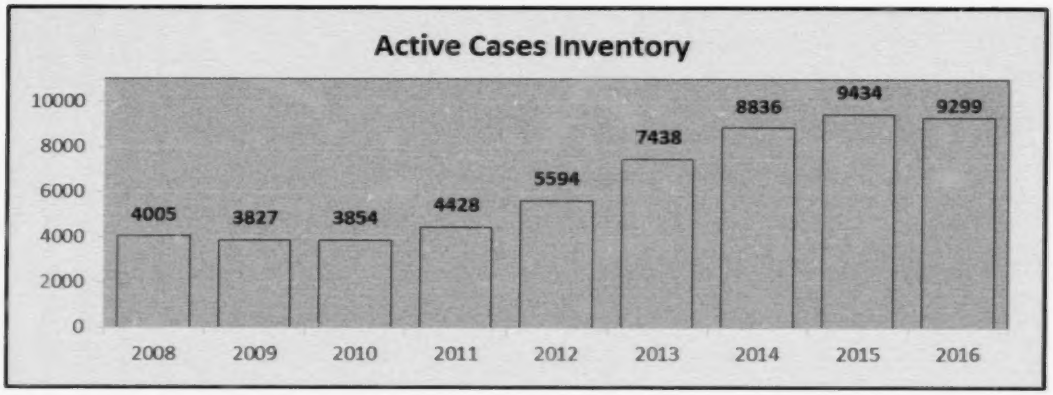
D. Inactive Inventory

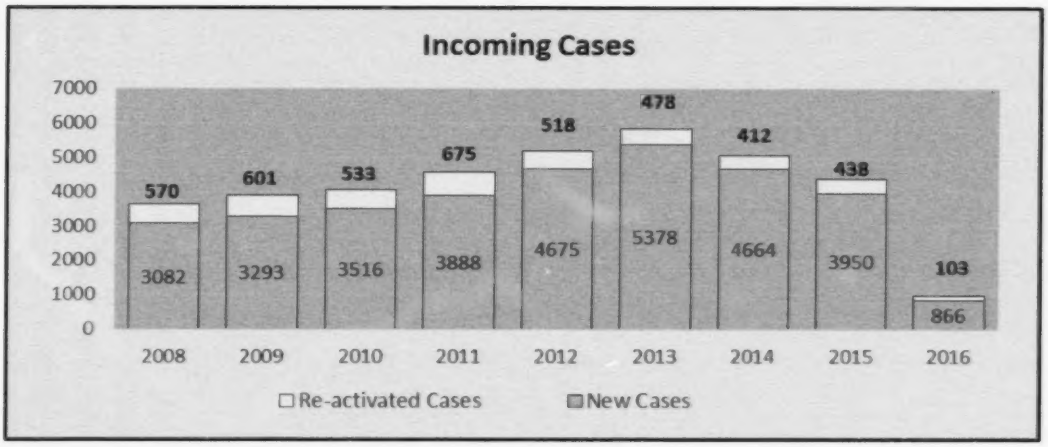
Period	Inactive Inventory
Q1-2015	2006
Q2-2015	1890
Q3-2015	1798
Q4-2015	1748
Q1-2016	1755

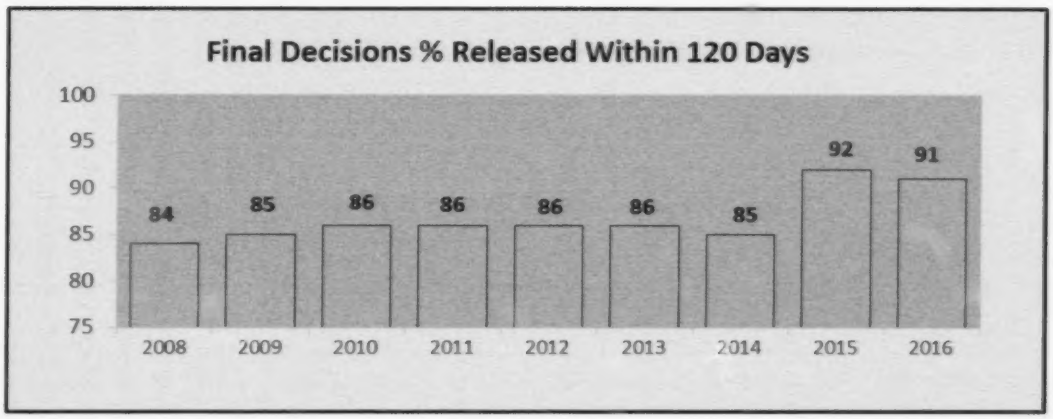
E. Notice of Appeal (Dormant cases)

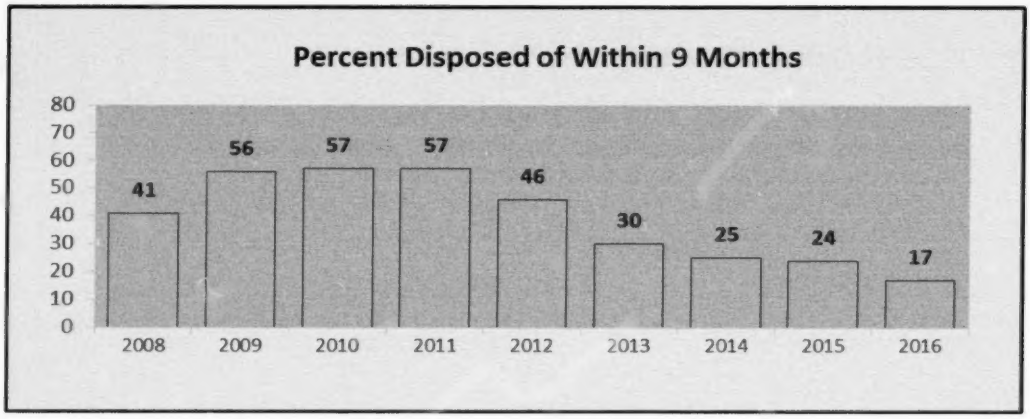
Period	Total Dormant	Change from Previous Quarter
Q1-2015	1644	-95
Q2-2015	1524	-120
Q3-2015	1410	-114
Q4-2015	1273	-137
Q1-2016	1159	-114

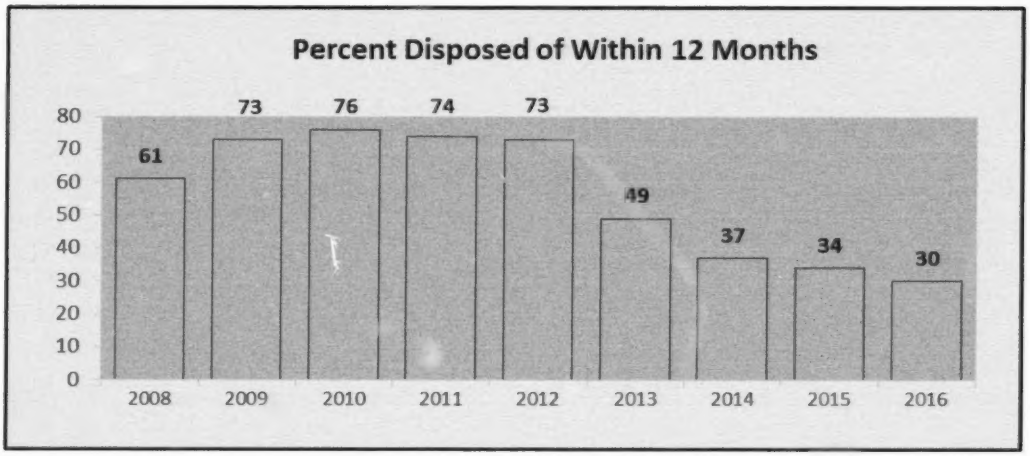
F. Production Charts: From 2008 to 2016

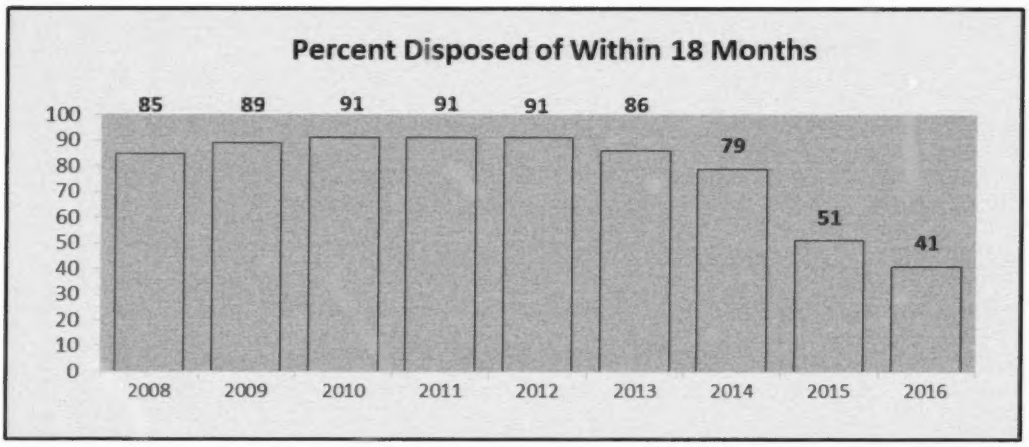







Percent Disposed of Within 9 Months
80
70
60
50
40
30
20
10
0
41
56
57
57
46
30
25
24
17
2008
2009
2010
2011
2012
2013
2014
2015
2016


Percent Disposed of Within 12 Months
80
70
60
50
40
30
20
10
0
61
73
76
74
73
49
37
34
30
2008
2009
2010
2011
2012
2013
2014
2015
2016


Percent Disposed of Within 18 Months
100
90
80
70
60
50
40
30
20
10
0
85
89
91
91
91
86
79
51
41
2008
2009
2010
2011
2012
2013
2014
2015
2016